



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY	FINANCING AUTHORITY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair	Dennis Kennedy, President
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair	Mark Grzan, Vice-President
Larry Carr, Council Member	Larry Carr, Agency Member	Larry Carr, Authority Commissioner
Greg Sellers, Council Member	Greg Sellers, Agency Member	Greg Sellers, Authority Commissioner
Steve Tate, Council Member	Steve Tate, Agency Member	Steve Tate, Authority Commissioner

WEDNESDAY, SEPTEMBER 20, 2006

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

and

MORGAN HILL FINANCING AUTHORITY COMMISSION SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Morgan Hill Financing Authority Commission is called at 7:00 p.m. for the Purpose of Conducting Finance Authority Commission Business.

Dennis Kennedy, Mayor, Chairman, and President

CALL TO ORDER

(Mayor/Chairperson/President Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary/Authority Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary/ Authority Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Family Day
A Day to Eat Dinner with Your Children
Mayor Kennedy

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORT

Mayor Dennis Kennedy

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-13

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **RESIGNATION OF AN ARCHITECTURAL & SITE REVIEW BOARD MEMBER**..... 1
Recommended Action(s):
1. **Accept** James D. Fruit's Resignation from the Architectural & Site Review Board; and
2. **Direct** the City Clerk to Commerce Recruitment Efforts to Fill the Vacancy.
2. **NEW LIBRARY PROJECT – AUGUST CONSTRUCTION PROGRESS REPORT**..... 5
Recommended Action(s): **Information** only.
3. **CENTENNIAL RECREATION CENTER PROJECT – AUGUST CONSTRUCTION PROGRESS REPORT** 13
Recommended Action(s): **Information** only.
4. **ACCEPT THE BUTTERFIELD WELL PUMP STATION PROJECT**..... 21
Recommended Action(s):
1. **Accept** as Complete the Butterfield Well Pump Station Project in the Final Amount of \$513,356; and
2. **Direct** the City Clerk to file a Notice of Completion with the County Recorder's Office.
5. **ACCEPTANCE OF WATERWISE DEMONSTRATION GARDENS PROJECT**..... 25
Recommended Action(s):
1. **Accept** as Complete the Waterwise Demonstration Gardens Project in the Final Amount of \$148,050; and
2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
6. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF TILTON AVENUE/UNION PACIFIC RAILROAD SAFETY (UPRR) IMPROVEMENT PROJECT**..... 29
Recommended Action(s): **Authorize** the City Manager to Execute a Consultant Agreement to Prepare Plans and Specifications for the Design of Tilton Avenue/UPRR Safety Improvement Project with HMH Engineers, Subject to Review and Approval by the City Attorney.
7. **PRODUCER RESPONSIBILITY FOR UNIVERSAL WASTES** 33
Recommended Action(s): **Adopt** Resolution Supporting Producer Responsibility for Universal Waste.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>CENTENNIAL RECREATION CENTER JANITORIAL SERVICES AGREEMENT</u>	37
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Maintenance Agreement for Janitorial Services for the Centennial Recreation Center from October 1, 2006, until September 30, 2008, with Sunnyvale Building Maintenance in the Amount of \$39,843; and	
	2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.	
9.	<u>PURCHASE OF PUBLIC WORKS VEHICLES</u>	39
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> Vehicle Purchases Through the State of California General Services Procurement Process for the Vehicles Identified in this Report for a Total Cost of \$406,007.; and	
	2. <u>Declare</u> Vehicles on Spreadsheet as Surplus and Authorize Sale at Auction.	
10.	<u>CITY POSITION ON TELECOMMUNICATIONS LEGISLATION</u>	45
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Draft a Letter of Opposition for the Mayor’s Signature on the Advanced Telecommunications and Opportunity Reform Act (H.R. 5252).	
11.	<u>ADOPT ORDINANCE NO. 1790, NEW SERIES</u>	49
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1790, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE ESTABLISHMENT OF AN R3/PLANNED UNIT DEVELOPMENT ZONE AND A PRECISE DEVELOPMENT PLAN FOR A 229-UNIT MULTI-FAMILY PROJECT LOCATED ON A 15.8-ACRE SITE AT THE SOUTHEAST CORNER OF COCHRANE ROAD AND MONTEREY ROAD (APNs 726-25-076 & -077)/(ZA-05-14: JARVIS – SOUTH VALLEY DEVELOPERS).	
12.	<u>ADOPT ORDINANCE NO. 1791, NEW SERIES</u>	57
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1791, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MC-04-22: JARVIS – SOUTH VALLEY DEVELOPERS (APNs 726-25-076 & -077) (DA-05-13: JARVIS–SOUTH VALLEY DEVELOPERS).	
13.	<u>ADOPT ORDINANCE NO. 1792, NEW SERIES</u>	61
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1792, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MC-05-02: JARVIS – SOUTH COUNTY HOUSING (APNs 726-25-076 & -077) (DA-06-03: JARVIS – SOUTH COUNTY HOUSING).	

City Council and Financing Authority Commission Action

PUBLIC HEARINGS:

	Time Estimate		Page
14.	10 Minutes	<u>ISSUANCE OF LIBRARY AND DEVELOPMENT CENTER BONDS</u>	65
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. <u>City Council Action:</u> Action- <u>Adopt</u> Resolution Making Finding of Significant Public Benefit, Authorizing Issuance of Bonds, and Approving Certain Documents. <u>Financing Authority Commission Action:</u> Action- <u>Adopt</u> Resolution Acknowledging Finding of Significant Public Benefit, Authorizing Sale, Issuance, and Delivery of Lease Revenue Bonds, and Approving Certain Documents. <u>City Council Action:</u> Action- <u>Amend</u> the 2006-2007 Budget to Provide for Estimated \$131,000 Debt Service in May 2007 and to Adjust Budget to Reflect Total \$5 Million Construction Cost Funded with Bonds. Action- <u>Authorize</u> the City Manger, on Behalf of the City, to Enter into Agreements with Wedbush Morgan Securities for Financial Advisory Services and with Richards, Watson & Gershon for Bond Counsel/Disclosure Counsel Services, Subject to Review and Approval by the City Attorney.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
15.	15 Minutes	<u>CIVIC CENTER PLAZA BENCHES</u>	271
		<u>Recommended Action(s):</u> <u>Confirm</u> Wording on Benches Provided by Sister Cities Committee and the Library, Cultural, and Arts Commission.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
16.	60 Minutes	<u>OUTDOOR SPORTS COMPLEX SCHEMATIC DESIGN AND OPERATIONAL PLAN</u>	285
		<u>Recommended Action(s):</u> 1. <u>Review</u> Schematic Design Alternatives Ranging from Meeting Council Goals to Meeting Construction Budget; 2. <u>Review</u> Capital Budget and Determine Which Design Option to Proceed with to Meet the Budget of \$2.8 Million; 3. <u>Authorize</u> Staff to Proceed to the Construction Document Phase with Preferred Option; 4. <u>Provide</u> Staff Direction on the Draft Operations and Maintenance Plan and Cost Recovery Goals; and 5. <u>Allocate</u> an Additional \$30,000 from the Community Center Impact Fund (AB 1600).	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
17.	15 Minutes	<u>REQUEST FOR RELIEF FROM TRAFFIC AND SEWER IMPACT FEES FOR 18181 BUTTERFIELD BOULEVARD, SUITE 160</u>	309
		<u>Recommended Action(s):</u> <u>Consider</u> Mayor's Request to Provide Relief from Impact Fees Charged to the Applicant at 18181 Butterfield Boulevard, Suite 160.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.